

NOTICE OF HEARING

- a. Date: _____ Time: _____ ☐ Dept.: _____ ☐ Div.: _____ ☐ Room: _____

- Family Code, § 5246

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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3. ☐ I request that the earnings assignment be modified because
- a. ☐ the total arrearage claimed as owing is incorrect. *(Check one or more of the following reasons):*
- (1) ☐ I did not receive credit for all of the payments I have made. *(Check one or more of the following):*
- (a) ☐ I have attached my statement of the arrearage, which includes a monthly breakdown of amounts ordered and amounts paid.
- (b) ☐ I made the following payments that were not credited *(for each payment specify the date, amount, and the name of the person or agency paid):*
- (2) ☐ Child support terminated *(specify name of the child, child's date of birth, and date and reason support terminated):*
- (3) ☐ Other *(specify):*
- b. ☐ The monthly payment specified in the earnings assignment is more than one-half of my total net income each month from all sources.
- c. ☐ The monthly arrearage payment stated in the earnings assignment creates an undue hardship because *(describe the hardship and state the amount you are able to pay on your arrearage):*

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

.....
 (TYPE OR PRINT NAME OF PERSON REQUESTING HEARING)



 (SIGNATURE OF PERSON REQUESTING HEARING)

CLERK'S CERTIFICATE OF MAILING

I certify that I am not a party to this action and that a true copy of the *Request for Hearing Regarding Wage and Earnings Assignment* was mailed, with postage fully prepaid, in a sealed envelope addressed as shown below, and that the request was mailed at *(place):* _____ on *(date):* _____

Date:

Clerk, by _____, Deputy

(Instructions on page three)

**INFORMATION SHEET FOR REQUEST FOR HEARING
REGARDING WAGE AND EARNINGS ASSIGNMENT
(California Rules of Court, rules 1285.70, 1299.28)
(Do NOT deliver this Information Sheet to the court clerk.)**

Please follow these instructions to complete the *Request for Hearing Regarding Wage and Earnings Assignment* (form 1299.28) if you do not have an attorney representing you. Your attorney, if you have one, should complete this form. You must file the completed *Request for Hearing* form and its attachments with the court clerk within 10 days after the date your employer gave you a copy of a *Wage and Earnings Assignment* or an *Interstate Order/Notice to Withhold Income for Child Support*. The address of the court clerk is the same as the one shown for the superior court on the *Wage and Earnings Assignment*. You may have to pay a filing fee. If you cannot afford to pay the filing fee, the court may waive it, but you will have to fill out some forms first. For more information about the filing fee and waiver of the filing fee, contact the court clerk.

INSTRUCTIONS FOR COMPLETING THE REQUEST FOR HEARING REGARDING WAGE AND EARNINGS ASSIGNMENT FORM (TYPE OR PRINT IN INK)

Front page, first box, top of form, left side: Print your name, address, and telephone number in this box if it is not already there.

Item 1: a.-b. You must contact the court clerk's office and ask that a hearing date be set for this motion. The court clerk will give you the information you need to complete this section.

Item 2: Check this box if you want the court to stop the district attorney or the other parent from collecting any support from your wages or earnings. You must check the box for either a., b., or c. below if you check this box.

- a. Check this box if you are not the person required to pay support in the *Wage and Earnings Assignment*.
- b. Check this box if you believe that there is "good cause" to recall the earnings assignment. NOTE: The court must find ALL of the conditions listed in this paragraph exist in order for good cause to apply.
- c. Check this box if you and the other parent have a written agreement that allows you to pay the support another way. **You must attach a copy of the agreement**, which must be signed by the other parent and a representative of the district attorney if payments are made to a county office.

Item 3: Check this box if you want to change the *Wage and Earnings Assignment*. You must check the box for either a., b., or c. below if you check this box.

- a. Check this box if the total arrearage listed in item 9 on the *Wage and Earnings Assignment* is wrong. If you check this box, you must check one or more boxes for (1), (2), or (3). You must attach the original of your statement of arrearages. Keep one copy for yourself.
 - (1) Check this box if you believe that the amount of arrearage listed in the *Wage and Earnings Assignment* does not give you credit for all the payments you have made. If you check this box, you must check either or both of the boxes underneath it.
 - (a) Check this box if you are attaching your own statement of arrearage. This statement must include a monthly listing of what you were ordered to pay and what you actually paid.
 - (b) Check this box if you wish to list any payments that you believe were not included in the arrearage amount. For each payment you must list the date you paid it, the amount paid, and the person or agency (such as the district attorney) to whom you made the payment. Bring proof of any payment in dispute to the hearing.
 - (2) Check this box if the child support for any of the children in the case has terminated (ended). If you check this box, you must list the following information for each child:
 - The name and date of birth of each child.
 - The date the child support order terminated.
 - The reason child support terminated.
 - (3) Check this box if there is another reason you believe the arrearage is incorrect. You must explain the reasons in detail.
- b. Check this box if the total monthly payment shown in item 1 of the *Wage and Earnings Assignment* is more than one-half of your monthly net income.
- c. Check this box if the total monthly payment shown in item 1 of the *Wage and Earnings Assignment* causes you a serious hardship. You must write in the reasons for the hardship in this space.

You must date the *Request for Hearing* form, print your name, and sign the form under penalty of perjury. When you sign the *Request for Hearing* form, you are stating that the information you have provided is true and correct. After you file the request, the court clerk will notify you of the date, time, and location of the hearing by mail.

You must file your request within 10 days of receiving the *Wage and Earnings Assignment* or *Interstate Order/Notice to Withhold Income for Child Support* from your employer. You may file your request in person at the clerk's office or mail it to the clerk. In either event, it must be received by the clerk within the 10-day period.

If you need additional assistance with this form, contact an attorney or the Family Law Facilitator in your county.